

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b>	<b>05-727</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b>	<b>December 20, 2005</b>
<b>TYRONE BASNIGHT</b>		<b>VIOLATION:</b>	
	<b>:</b>	<b>18 U.S.C. § 924(a)(1)(A) (false statement to</b>	
	<b>:</b>	<b>federal firearms licensee - 8 counts);</b>	
	<b>:</b>	<b>18 U.S.C. 922(g)(1) (possession of a firearm</b>	
	<b>:</b>	<b>by a convicted felon - 6 counts);</b>	
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting);</b>	
	<b>:</b>	<b>Notice of forfeiture</b>	

**INDICTMENT**

**COUNTS ONE THROUGH EIGHT**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. The Gun Gallery, 2807 Perkiomen Avenue, in Mt. Penn, Pennsylvania, and Cabela's located at 1625 Mountain Road, in Hamburg, Pennsylvania, each possessed a federal firearms license ("FFL") and were authorized to deal in firearms under federal laws.
2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.
3. The rules and regulations governing FFL holders require that a person seeking to purchase a handgun fill out a Firearm Transaction Record, ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. The Form 4473 contains language warning that "the making of a false oral or written

statement or the exhibiting of any false or misrepresented identification with respect to this transaction is a crime punishable as a felony.” The Form 4473 required that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she was the actual buyer of the firearm. The Form 4473 contained language warning that “[t]he federal firearms laws require that the individual filling out this form must be buying the firearm for himself or as a gift. Any individual who is not buying the firearm for himself/herself or as a gift, but who completes this form, violates the law and is a “straw purchaser.”

4. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, to ensure that the person was not prohibited from purchasing a firearm.

5. Persons who have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year including, but not limited to convicted felons, are prohibited by law from buying firearms.

6. Defendant TYRONE BASNIGHT was a convicted felon, who was prohibited by law from buying firearms.

7. Defendant arranged for, R.B. and T.H., persons known to the grand jury, to buy firearms for him.

8. On or about the dates listed below, in the Eastern District of Pennsylvania, defendant

**TYRONE BASNIGHT,**

in connection with the acquisition of each of the firearms listed below from the FFL holders listed below, knowingly made, and aided, abetted, and willfully caused the making of, a false

statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holder's records, that is, at the direction of defendant BASNIGHT, R.B. and T.H., ("the straw purchasers"), falsely certified on the Forms 4473 that they were the actual buyer of the firearms listed on the Forms 4473, when in fact, as defendant BASNIGHT knew, these statements were false and fictitious.

<b>Count</b>	<b>Date</b>	<b>FFL Location</b>	<b>Firearm</b>	<b>Straw Purchaser</b>
1	May 15, 2004	The Gun Gallery 2807 Perkiomen Ave. Mt. Penn, PA	Bryco, Model J-22, .22 caliber pistol, serial no. 1113164	R.B.
2	May 22, 2004	The Gun Gallery 2807 Perkiomen Ave. Mt. Penn, PA	Jennings, Model Tec- 22, .22 caliber pistol, serial no. 681105	R.B.
3	May 22, 2004	The Gun Gallery 2807 Perkiomen Ave. Mt. Penn, PA	Intratec, Model Tec- Protec 25, .25 caliber pistol, serial no. 023087	T.H.
4	May 29, 2004	The Gun Gallery 2807 Perkiomen Ave. Mt. Penn, PA	Taurus, Model 689, .357 magnum revolver, serial no. JE307111	T.H.
5	June 5, 2004	The Gun Gallery 2807 Perkiomen Ave. Mt. Penn, PA	Lorcin, Model L-9, 9 millimeter pistol, serial no. L081175	T.H.
6	June 12, 2004	Cabela's 1625 Mountain Road Hamburg, PA	Smith & Wesson, Model SW380 pistol, serial no. RAC4684	T.H.
7	June 12, 2004	The Gun Gallery 2807 Perkiomen Ave. Mt. Penn, PA	Intratec, Model Tec- 22, .22 caliber pistol, serial no. 075097	R.B.

8	June 19, 2004	Cabela's 1625 Mountain Road Hamburg, PA	(1) Astra, Model Terminator, .44 caliber revolver, serial no. R385532 and (2) Taurus, Model 689, .357 Magnum revolver, serial no. KH473183	T.H.
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All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

**COUNT NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 15, 2004, in Reading, in the Eastern District of Pennsylvania,  
defendant

**TYRONE BASNIGHT,**

having been convicted in a court of the State of New York of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Bryco, Model J-22, .22 caliber pistol bearing serial number 1113164.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT TEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 22, 2004, in Reading, in the Eastern District of Pennsylvania,  
defendant

**TYRONE BASNIGHT,**

having been convicted in a court of the State of New York of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Jennings, Model Tec-22, .22 caliber pistol bearing serial number 681105, and an Intratec, Model Protec-25, .25 caliber pistol bearing serial number 023087.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT ELEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 29, 2004, in Reading, in the Eastern District of Pennsylvania,  
defendant

**TYRONE BASNIGHT,**

having been convicted in a court of the State of New York of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Taurus, Model 689, .357 magnum pistol bearing serial number JE307111.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT TWELVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 5, 2004, in Reading, in the Eastern District of Pennsylvania,  
defendant

**TYRONE BASNIGHT,**

having been convicted in a court of the State of New York of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Lorcin, Model L-9, nine millimeter pistol bearing serial number L081175.

In violation of Title 18, United States Code, Section 922(g)(1).



**COUNT THIRTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 12, 2004, in Reading, in the Eastern District of Pennsylvania,  
defendant

**TYRONE BASNIGHT,**

having been convicted in a court of the State of New York of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Smith & Wesson, Model SW380 pistol bearing serial number RAC4684, and an Intratec, Model Tec-22, .22 caliber pistol bearing serial number 075097.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT FOURTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 19, 2004, in Reading, in the Eastern District of Pennsylvania,  
defendant

**TYRONE BASNIGHT,**

having been convicted in a court of the State of New York of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, an Astra, Model Terminator, .44 caliber pistol bearing serial number R385532, and a Taurus, Model 689, .357 caliber pistol bearing serial number KH473183.

In violation of Title 18, United States Code, Section 922(g)(1).

**NOTICE OF FORFEITURE (18 U.S.C. § 924(d))**

**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violations of Title 18, United States Code, Sections 924(a)(1)(A) and 922(g)(1), set forth in this indictment, defendant

**TYRONE BASNIGHT**

shall forfeit to the United States of America the firearms involved in the commission of these offenses, including, but not limited to:

1. a Bryco, Model J-22, .22 caliber pistol, serial number 1113164;
2. a Jennings, Model Tec-22, .22 caliber pistol, serial number 681105;
3. an Intratec, Model Tec-Protec 25, .25 caliber pistol, serial number 023087;
4. a Taurus, Model 689, .357 magnum revolver, serial number JE307111;
5. a Lorcin, Model L-9, 9 millimeter pistol, serial number L081175;
6. a Smith & Wesson, Model SW380 pistol, serial number RAC4684;
7. an Intratec, Model Tec-22, .22 caliber pistol, serial number 075097;
8. an Astra, Model Terminator, .44 caliber revolver, serial number R385532;  
and
9. a Taurus, Model 689, .357 Magnum revolver, serial no. KH473183.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18,  
United States Code, Section 924(d).

**TRUE BILL:**

**GRAND JURY FOREPERSON**

**PATRICK L. MEEHAN**  
**UNITED STATES ATTORNEY**